

CLAIMS RESOLUTION TRIBUNAL

In re Holocaust Victim Assets Litigation
Case No. CV96-4849

Certified Award

to Claimant [REDACTED]

in re Accounts of Alexander Halpern

Claim Number: 400607/GO

Award Amount: 64,875.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published accounts of Alexander Halpern (the “Account Owner”) at the Zurich branch of the [REDACTED] (“Bank I”) and at the [REDACTED] (“Bank II”) (together the “Banks”).¹

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimant, any relatives of the claimant other than the account owner, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his paternal grandfather, Alexander (Sasha) Halpern, who was born on 18 December 1882 in St. Petersburg, Russia, and was married to [REDACTED], née [REDACTED]. According to the Claimant, his grandparents had three children: [REDACTED], [REDACTED] and [REDACTED] (the Claimant’s father). The Claimant stated that his grandfather was Jewish, and that he held Austrian citizenship. The Claimant indicated that his grandfather resided in Vienna, Austria, and that he was a lawyer by profession. The Claimant further stated that his grandfather frequently vacationed in Geneva and Zurich, Switzerland. According to the Claimant, his grandfather was arrested and deported to the Mauthausen concentration camp in 1943. The Claimant indicated that he believes that his grandfather perished in Mauthausen or another concentration camp. The Claimant submitted a copy of his own passport, indicating that his name is [REDACTED].

The Claimant indicated that he was born on 14 July 1943 in Vienna.

¹ The CRT notes that the accounts were held at different banks, and thus were not investigated together by the auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of ICEP (the “ICEP Investigation”). Given that there is no information to the contrary, the CRT has determined that, for the purposes of this Award, the accounts shall be treated as having been held by the same person.

Information Available in the Banks' Records

Bank I

Bank I's record consists of a customer card. According to this record, the Account Owner was Alexander Halpern, who resided in Vienna, Austria. Bank I's record indicates that the Account Owner held a safe deposit box, numbered 3646, which was closed on 3 September 1938.

Bank II

Bank II's record consists of a list of numbered accounts. According to this record, the Account Owner was Alexander Halpern, who resided in Vienna. Bank II's record indicate that the Account Owner held an account, the type of which is not indicated, numbered DU 60765, which was closed at the register ("*per Kassa*") at Bank II on 14 March 1940.

The amounts in the accounts on their respective dates of their closures are unknown. There is no evidence in the Banks' records that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Alexander Halpern, numbered 24010. These records indicate that he was born on 18 December 1882 and that he lived at Billrothstrasse 39 and later at Rembrandtstrasse 8 in Vienna. In addition, these records indicate that Alexander Halpern was legally separated from his wife, and that he had three children: [REDACTED], [REDACTED] and [REDACTED].

In his 1938 Census declaration, signed 11 July 1938 in Vienna, Alexander Halpern listed his assets as including securities worth 15,450.97 Reichsmark ("RM"), a savings account worth RM 3,560.62, a pension fund from his former employer – *Bankhaus S. M. v. Rothschild* – with a capitalized value of RM 22,372.00.

These records make no mention of assets held in a Swiss bank account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's grandfather's name matches the published name of the Account Owner. The Claimant identified the Account Owner's city and country of residence, which matches

published information in the Banks' records. The Claimant provided the Account Owner's birth date and the names of his children, which match information contained in 1938 Census records.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Alexander Halpern, and indicates that his date and place of birth was 18 December 1882 in St. Petersburg, that he resided in Vienna, that he was deported to Sobibor on 14 June 1942, and that he perished in the Holocaust, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the other claims to these accounts were disconfirmed because that claimant provided a different city and country of residence than the city and country of residence of the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish, that he was arrested and deported to Mauthausen, and that he is believed to have perished in the Holocaust. As noted above, a person named Alexander Halpern was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information demonstrating that the Account Owner was the Claimant's grandfather.

The CRT notes that the Claimant identified information which matches information contained in the Yad Vashem records. The CRT further notes that the Claimant submitted a copy of his passport indicating that his surname is Halpern and that he was born in Vienna, providing independent verification that the Claimant bears the same family name as the Account Owner and that he and his family resided in Vienna. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form.

There is no information to indicate that the Account Owner has other surviving heirs who have filed claims.

The Issue of Who Received the Proceeds

Given that the Account Owner's accounts were closed after the incorporation of Austria into the Reich in March 1938 (the "Anschluss"); that the Account Owner resided in Nazi-controlled Austria until his deportation; that Nazi confiscatory legislation was in effect at the time the

accounts were closed; that the Nazis had, at the time of the *Anschluss*, immediately embarked on a campaign to confiscate the assets of the Jewish residents of Austria, and the CRT has found numerous such confiscations of Swiss bank accounts occurred at this time; that there is no record of the payment of Account Owner's accounts to him and his heirs would not have been able to obtain information about his accounts after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules Governing the Claims Resolution Process. Second, the Claimant has plausibly demonstrated that the Account Owner was his grandfather and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held one safe deposit box and one account of unknown type. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons (the "ICEP Investigation"), in 1945 the average value of a safe deposit account was 1,240.00 Swiss Francs ("SF"), and the average value of an unknown type account was SF 3,950.00. Thus, the combined 1945 average value for the two accounts at issue is SF 5,190.00. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 64,875.00.

Scope of the Award

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on his claim to determine whether there are additional Swiss bank accounts to which he might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
29 May 2007